

remit said penalty in the sum of \$14.00; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$14.00 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Gillis, Mayor Miller, and Councilman Wolf; nays, none; Councilman Bartholomew absent.

Upon motion, seconded and carried, the meeting was recessed at 12:30 P. M., subject to call of the Mayor.

Approved:

Tom Miller  
Mayor

Attest:

Harrie McKee  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 16, 1939.

The City Council of the City of Austin convened in regular session, at the regular meeting place in the City Hall, on Thursday, March 16, 1939, with the following members present: Councilmen Chas. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller, and Councilman Oswald G. Wolf; with the following absent: NONE.

The reading of the Minutes was dispensed with.

Councilman Alford introduced a proposed resolution and moved its adoption. The resolution was read in full. Councilman Bartholomew seconded the motion. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor announced that the resolution had been finally passed.

The resolution is as follows:

RESOLUTION ACCEPTING AN OFFER OF THE UNITED STATES OF AMERICA TO AID BY WAY OF GRANT IN FINANCING A PROJECT THEREIN DESCRIBED.

WHEREAS, the United States of America has offered to aid the City of Austin, Texas, by way of grant, in financing the construction of extensions and improvements to the municipal waterworks system and the construction of improvements to a service station, including necessary equipment; and

WHEREAS, at a regular meeting of the City Council of the City of Austin held

Thursday, March 16, 1939, this Offer was presented and it is deemed desirable that the said Offer be accepted by the City at this time; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS:

1. That the Offer of the United States of America, reading as follows:

P. W. 88056-6

FEDERAL EMERGENCY ADMINISTRATION  
OF PUBLIC WORKS

Washington, D. C.  
Dated: March 13, 1939  
Docket-No. Texas-1847-2-F

City of Austin

Austin, Travis County, Texas

1. Subject to the terms and conditions (PWA Form No. 230, as amended to the date of this Offer), which are made a part hereof, the United States of America hereby offers to aid in financing the construction of extensions to and improvements to the municipal waterworks system and the construction of improvements to a service station, including necessary equipment (all herein called the "Project"), by making a grant to the City of Austin (herein called the "Applicant") in the amount of 45 percent of the cost of the Project upon completion, as determined by the Federal Emergency Administrator of Public Works (herein called the "Administrator"), but not to exceed, in any event, the sum of \$123,750.

2. By acceptance of this Offer the Applicant covenants to complete the Project with all practicable dispatch, and in any event by December 23, 1939.

3. This Offer is made subject to the express condition that, if the Administrator shall determine at any time that the Applicant has paid or agreed to pay, whether directly or indirectly, a bonus, commission or fee to any person, firm or corporation for attempting to procure an approval of the Applicant's application, or for alleged services in procuring or in attempting to procure such approval, or for activities of the nature commonly known as lobbying performed or agreed to be performed in connection with the application, then the Administrator shall have the right, in his discretion, to rescind this Offer and any agreements resulting herefrom and, in the event of such rescission, the United States of America shall be under no further obligation hereunder.

4. The acceptance of this Offer by the Applicant shall effectuate a cancellation of the contract created by the acceptance of the Offer dated October 17, 1938, made by the United States of America to the Applicant; Provided, that the cancellation of such contract shall not impair or vitiate any acts performed or proceedings taken thereunder prior to such cancellation, but such acts or proceedings may be continued under the contract created by the acceptance of this Offer.

UNITED STATES OF AMERICA

Federal Emergency Administrator  
of Public Works

By: E. M. Clark  
For the Assistant Administrator."

be and the same is hereby in all respects accepted.

2. That said City of Austin agrees to abide by all the Terms and Conditions of said Offer, including the Terms and Conditions annexed thereto and made a part thereof.

3. That the City Manager be and he is hereby authorized and directed forthwith to send to the Federal Emergency Administrator of Public Works three certified copies of the proceedings of the City Council in connection with the adoption of this Resolution, setting forth this Resolution in full, and such further documents and proofs in connection with the acceptance of said Offer as may be requested by the Federal Emergency Administration of Public Works.

4. That the City Manager be and he is hereby authorized and directed to execute all contract documents or other papers necessary with regard to this project, and to do any and all things required to comply with the regulations of the Federal Emergency Administration of Public Works, and that the said City Manager is designated as the Owner's representative to supervise and be responsible for the various engineers of the City of Austin who will design, plan and supervise the work contemplated under this docket, with full powers and authority to represent the City of Austin.

Pursuant to public notice thereof, the public hearing on the proposal to amend the Zoning Ordinance in the following particulars was opened:

To amend the "USE" and Height and Area designation of the following described property so as to change same from "A" Residence District to "B" Residence District, and from First Height and Area District to Second Height and Area District: All that property fronting on both sides of Avenue "A" and extending east and west to the alleys lying parallel to said Avenue "A" between West 44th and West 45th Streets, Hyde Park, in the City of Austin, Texas.

No one appearing to protest the proposed change, Councilman Alford moved that the City Attorney be instructed to prepare the necessary amendment to the Zoning Ordinance making such change effective. The motion carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Hardy Hollers, Attorney for Guaranty Investment Company, appeared before the Council to request that the city limits be extended for all purposes to include the remaining portion of the D. C. Rabb tract.

Councilman Alford moved that the following ordinance for the extension of the boundaries of the City of Austin be introduced; that the City Manager be instructed to cause said ordinance to be published in a daily newspaper in the City of Austin at least one time, as required by the City Charter, and that final passage of said ordinance be set for the regular meeting of the City Council on Thursday, April 20, 1939. The motion was seconded by Councilman Gillis, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The ordinance is as follows:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY LYING WEST OF BLUEBONNET LANE, A PUBLIC STREET IN THE CITY OF AUSTIN, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

H. M. McCall appeared before the Council and asked that the zoning of his property known as Lots 1, 2, and 3, Block 1, Broadacres Subdivision, be changed from "C" Commercial District to "D" Industrial District in order that he may be permitted to erect a lumber yard thereon.

Councilman Gillis moved that a public hearing on the proposal to change the zoning of the foregoing described property be set for Thursday, April 6, 1939, at 11:00 A. M. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

WHEREAS, the Board of Trustees of the Austin Independent School District has recommended certain action in connection with bids received under Units Nos. 28 to 34, inclusive of the Austin School Construction Program, under PWA Docket Tex-2134-F, by the following resolutions:

1. By Resolution dated March 10, 1939, recommending award of contract to Fox-Schmidt, of Austin, Texas, for the Electric Work of the Fulmore and

Baker Jr. Schools, at their base proposal of \$27,962.00, less Alternate No. 1, omitting the Electric work in the old, present buildings, at a deduction of \$13,700.00 for a net contract price of \$14,262.00; and has further recommended that all bids received on February 16, 1939, for Plumbing and for Heating of the Fulmore and Baker Jr. Schools be rejected, and that the plans and specifications for these two branches of the Mechanical work be revised and new bids called for; and

2. By Resolution dated March 13, 1939, recommending award of contract for the General Construction of the Superstructure for the addition to the Austin Sr. High School, omitting the Administration Wing, to the O. K. Johnson Construction Co., of Waco, Texas, at his low net contract price of \$74,528.00; and recommending award of contract to Fox-Schmidt, of Austin, Texas, at their low net bid price (after deducting Alternate No. 1,) as follows:

Plumbing- For Units 29, 30 and 31 - High School Group - at a net price of \$8,339.00;

Heating - For Units 29, 30 and 31 - High School Group - at a net price of \$34,202.00; and

recommending award of contract for the Heating and Plumbing for the Boiler House of the Jno. T. Allen H.S. (Unit 34) to Young & Pratt, of Austin, Texas, at their low base proposal of \$8,290.00; and that contract for the Electrical Work on said Unit be awarded to W. K. Jennings, Jr., of Austin, Texas, at his low base proposal of \$659.00; and

WHEREAS, the recommendations of the School Board described above (a copy of each resolution being attached to and made a part hereof) have been found to be in order;

Now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the recommendations for award of contract herein referred to be and they are hereby approved, and the City Manager is hereby authorized and instructed to execute all necessary documents upon receipt of notice of approval of these recommendations by the Regional Office of the Public Works Administration.

(RESOLUTION ATTACHED)

WHEREAS, bids were received at 2:00 P. M., February 16, 1939, as a part of the Construction Program Under Docket Tex.2134-F, Schools, Austin, Texas, among which were the Mechanical Bids for the Fulmore Junior School and the Baker Junior School, titled Units 32 and 33, respectively; and

WHEREAS, the total of the Plumbing, the Heating and the Electrical Work for these two buildings exceeded the funds budgeted for that particular branch of the work; and

WHEREAS, the Supervising Architect and the Chairman of the Building Committee have recommended with reference to those bids as follows:

(A) That all bids for Plumbing and Heating of the Fulmore and Baker Junior Schools as received at 2:00 P. M., February 16, 1939, be rejected; and

(B) That the low base proposal of Fox-Schmidt of Austin, Texas, for the complete Electric Work of those two schools in the amount of Twenty-seven Thousand Nine Hundred Sixty-two Dollars (\$27,962.00) less Alternate No. 1, Electric, in the amount of Thirteen Thousand Seven Hundred Dollars (\$13,700.00) for a net low bid of Fourteen Thousand and Two Hundred Sixty-two Dollars (\$14,262.00) be accepted, and the contract for the work covered by that net bid be awarded to said Fox-Schmidt, and that work order be issued immediately with the view of avoiding delay to the General Contractor on those two buildings; and

(C) That recommendation of award of contracts for Units 28, 29, 30 and 34, for which bids were also received on February 16, 1939, be held until the meeting of Monday, March 13; and

WHEREAS, at a meeting of the Board of Trustees of the Austin Independent School District this, the tenth day of March, the recommendations listed above have been

carefully studied and have been approved; therefore

BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that said recommendations are hereby approved, and that the Supervising Architect's office is hereby instructed to issue all necessary papers and to advise Public Works Administration of this action and request of the Public Works Administration authority for immediate work order so that the work of the General Contractors under Contracts Nos. 19 and 20 will not be further delayed.

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The above resolution was unanimously adopted at a called meeting of the Board of Trustees of the Austin Independent School District, held March 10, 1939, at which the following members were present: E. A. Murchison, President; Mrs. E. H. Wells, L. H. Blenderman, Chairman; R. G. Mueller; Carl T. Widen.

(Signed) Eleanor H. Wells  
Secretary.

(RESOLUTION ATTACHED)

WHEREAS, the office of the Supervising Architect has submitted to the Board of Trustees of the Austin Independent School District a tabulation of the bids received on February 16, 1939, covering Units 28 to 31, inclusive, and Unit 34 under PWA Docket Tex-2134-F, and has recommended award of contract to the low regular bidder for each Unit, or branch within the Unit, as follows:

Unit No. 28 - For the General Construction of the Superstructure of the Addition to the Austin High School: To the O. K. Johnson Construction Co., of Waco, Texas, low bidder at a net figure of \$74,528.00, after accepting Alternate No. 1 for the omission of the Administration Wing, and Alternate No. 5 for the substitution of a Poured Gypsum Roof Deck in place of a Precast Roof Deck;

Units Nos. 29-

30 and 31 - Plumbing and Heating Work for High School Group:

Plumbing - To Fox-Schmidt at his low base proposal of \$9,476.00 less Alternate No. 1 in the amount of \$1,037.00, for a net contract price of \$8,339.00;

Heating - To Fox-Schmidt at his low base proposal of \$38,341.00 less Alternate No. 1 in the amount of \$4,139.00, for a net contract price of \$34,202.00.

(Alternate No. 1 in each case covers the omission of that branch of the Mechanical Work which would have been installed in the Administration Wing under the Base Plan.)

Unit No. 34 - Mechanical Work for Boiler House, John T. Allan Jr. H.S.: To

Heating & Plumbing: To Young & Pratt, of Austin, Texas, at their low bid of \$8,290.00.

Electric: To W. K. Jennings, Jr., of Austin, Texas, at his low bid of \$659.00; and

WHEREAS, the Board at this regular meeting has discussed the Architect's recommendations, as listed above, and has studied the School Construction Program and determined that the awards, as recommended, can be made; and

WHEREAS, the Chairman of the Building Committee, Mr. L. H. Blenderman, and the Chairman of the Finance Committee, Mr. R. G. Mueller, have endorsed the recommendations as above listed by the Supervising Architect; now, therefore,

BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that the following recommendations be made, and they are hereby made to the City Council of the City of Austin, who are acting for the Austin Independent School District under PWA Docket Tex-2134-F:

1. For the award of contract on General Construction under Unit 28;

2. For the award of contract on the Plumbing and the Heating Work under Units 29, 30 and 31; and

3. For the award of contract on the Plumbing, the Heating, and the Electrical Work under Unit 34;

to the respective low net bidders, and at the respective net contract prices as above listed.

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The above Resolution was unanimously adopted at a regular meeting of the Board of Trustees of the Austin Independent School District, held March 13, 1939, at which the following members were present: E. A. Murchison, President; L. H. Blenderman, Chairman, R. G. Mueller, Mrs. E. H. Wells, Carl T. Widen, J. Harris Gardner, and Mrs. A. P. Robinson.

(Signed) Cousins Gregg  
Secretary to the Superintendent. "

Councilman Bartholomew introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

WHEREAS, the Board of Trustees of the Austin Independent School District has by resolution, copy of which is attached hereto and made a part hereof, made the following recommendations with respect to bids for Electrical Work for the High School Group, Units Nos. 29, 30 and 31 under PWA Docket Tex-2134-F, as received on February 16, 1939:

1. That the irregularity in the submission of the bid of the Drago Electric Company of Port Arthur, Texas, not be waived; and
2. That the contract for the Electrical Work of the High School Group be awarded to Fox-Schmidt, on their low base proposal of \$8,841.99, less a deduction of \$1,500.00 through acceptance of Alternate No. 1 for the omission of the Electrical Work of the Administration Wing, for a net contract price of \$7,341.00; and

WHEREAS, the City Council has studied these recommendations and believes them to be in the best interests of the City of Austin and its School Construction Program;

NOW, THEREFORE, BE IT RESOLVED, That the action recommended in the attached resolution by the Board of Trustees of the Austin Independent School District, under date of March 13, 1939, be and the same is hereby approved, and the City Manager is hereby authorized and instructed to execute the necessary contract documents upon receipt of notice of approval of these recommendations by the Regional Office of the Public Works Administration.

(RESOLUTION ATTACHED)

WHEREAS, the office of the Supervising Architect has, in reporting and recommending the various units upon which bids were received under Docket PWA Tex-2134-F on February 16, 1939, called attention to the fact that the low base proposal for the Electric Work of the High School Group, titled Units 29, 30 and 31, was that of the Fox-Schmidt Electric Co., of Austin, Texas, at the low bid price of \$8,841.00, from which would be deducted (through the acceptance of Alternate No. 1) the sum of \$1,500.00, leaving a net bid of \$7,341.00; and further, that the second bidder for this branch of the Mechanical Work was the Drago Electric Co., of Port Arthur, Texas, at a base proposal of \$9,202.00 from which would be deducted (For Alternate No. 1), the sum of \$1,862.00, leaving a low net bid of \$7,340.00, or \$1.00 under the net bid of the low bidder under the base proposal; and

WHEREAS, the Supervising Architect's office has further called attention to the fact that the proposal of the Drago Electric Company was not submitted in proper form,

in that the bid was not accompanied by bid security in the amount of "at least 5% of the largest possible total of bids submitted," and was therefore not a regular bid; and

WHEREAS, under the specification, it is optional with the owner to determine whether or not it is in the interest of the owner to waive irregularities; and

WHEREAS, the Architect has recommended, and the Board of Trustees endorses said recommendation, that the interest of the Construction Program, particularly with a view to economy of operation during the first year's adjustment period, would best be served if the award is made to the original low base bidder, being a local contractor, whose service during the 12-month maintenance guarantee period would result in a material saving in operation cost;

Now, therefore, BE IT RESOLVED by the Board of Trustees of the Austin Independent School District, That the irregularity in submission of the Drago Electric Company's bid is not waived, and that said bid be hereby rejected; and

BE IT FURTHER RESOLVED, That the Supervising Architect's recommendation of award of contract to Fox-Schmidt, of Austin, Texas, covering the Electrical Work for the High School Group under Units 29, 30 and 31, at their low base proposal of \$8,841.00, less Alternate No. 1 in the amount of \$1,500.00 covering the Electrical Work in the Administration Wing under the original base plan, for a net bid price of \$7,341.00 be and the same is hereby endorsed and recommended to the City Council, acting for the Austin Independent School District, for award of contract.

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The above resolution was unanimously adopted at a regular meeting of the Board of Trustees of the Austin Independent School District, held March 13, 1939, at which the following members were present: E. A. Murchison, President, Mrs. E. H. Wells, L. H. Blendeman, Chairman; R. G. Mueller, and Carl T. Widen; J. Harris Gardner; and Mrs. A. P. Robinson.

(Signed) Cousins Gregg, Secretary to the Supt.

Mr. W. T. Krummes of Albuquerque, New Mexico, Associate Refuge Manager and Regional Director of the United States Biological Survey, introduced by Mr. Sid Smith, of this City, submitted a proposal for a bird sanctuary along the shores of Lake Austin. The matter was taken under consideration and a public hearing on same was called for Friday, March 17th, at 8:00 P. M., in the Council Chamber at the City Hall.

Mr. Joe L. Stanton, Secretary Junior Chamber of Commerce, appeared before the Council and asked that a proclamation be issued, proclaiming the week of March 19-25 as "National Wild Life Restoration Week."

Upon motion of Councilman Alford, the Mayor was authorized to issue such proclamation, by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Alford introduced the following resolution and moved its adoption. The motion was seconded by Councilman Gillis, and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

WHEREAS, the Public Works Administration requires that all projects under its



regulations be done in accordance with approved wage scales as published by the Department of Labor of the State of Texas; and

WHEREAS, in the proposed work on Docket-Texas-1847-2-F-2 and 2-F-4, said Department of Labor has furnished the City of Austin with said schedule, but which said schedule did not contain certain classes of labor which are necessary to be used in the proposed work under Docket-Texas-1847-2-F-2 and 2-F-4; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager be and he is hereby authorized and directed to submit such additional schedule to the State Director of Public Works Administration, and provide all contractors and sub-contractors on said Docket-Texas-1847-2-F-2 and 2-F-4 with notice that such scale of wages must be complied with.

"Docket-Texas-1847-2-F-4  
Service Station

Docket-Texas-1847-2-F-2  
Water Lines

City of Austin, Texas

SUPPLEMENTARY WAGE SCALE

	<u>Per Hour</u>	<u>Per Day</u>
Fresno Operator	\$ .75	\$6.00
Backfiller	1.00	8.00

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Councilman Alford introduced the following resolution:

WHEREAS, M. H. Crockett is the owner of the west 50 feet of Lot 32, a subdivision of Outlot 57, Division "E", of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of East 19th Street at a location east of San Jacinto Street, as shown upon the map or plat hereto attached marked 2-G-233, which plan is hereby made a part of this request, and the said M. H. Crockett has requested the City Council of the City of Austin to grant permission to construct a curb setback and to construct a commercial driveway in conjunction therewith at the above described location, all as shown upon the aforesaid map or plat marked 2-G-233; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described curb setback and commercial driveway, which plan is hereto attached, marked 2-G-233, and made a part hereof, and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT M. H. Crockett, owner of the west 50 feet of Lot 32, of a subdivision of Outlot 57, Division "E" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, which property abuts the south side of East 19th Street at a location east of San Jacinto Street, is hereby granted permission to construct a curb setback and to construct a commercial driveway in conjunction therewith at the above described location.

Permission to construct the above described curb setback and commercial driveway is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereto attached marked 2-G-233 and made a part hereof, and in accordance with the following conditions:

- (1) That the construction of the setback area on 19th Street shall be



carried out in accordance with the accompanying plan marked 2-G-233 and that all such widened areas, driveways, or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-G-233.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice per week and shall dispose of the debris at his own expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis introduced the following resolution:

"Austin, Texas  
March 16, 1939

Mr. Guiton Morgan  
City Manager  
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Al Jones, acting by and through the Van G. Kelly Lumber Company, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon property located at the northwest corner of the intersection of East 1st Street and Pleasant Valley Road, which property is owned by Al Jones and is shown as Outlot 28, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "O" Commercial Use District, as shown upon the Zoning maps of the City of Austin.

There are no City storm sewers adjacent to this filling station site therefore the drainage from this filling station should be concentrated into a seep well located upon the property of the applicant.

We recommend that Al Jones, acting by and through the Van G. Kelly Lumber Company, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, and commercial driveways in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of such oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant or shall be concentrated into a seep well located upon the property of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-H-633.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-633, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Signed) J. E. Motheral  
City Engineer

J. C. Eekert  
Building Inspector. "

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property described as being located at the northwest corner of the intersection of East 1st Street and Pleasant Valley Road, which property is owned by Al Jones and is known as Outlot 28, Division "O" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and hereby authorizes the said Al Jones to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Al Jones has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew introduced the following resolution:

WHEREAS, in Plat Book 4, page 16, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Mira Loma; and

WHEREAS, the said subdivision was placed of record by Hallie Bremond Houston and husband, H. M. Houston; and

WHEREAS, at the time the subdivision was platted and placed of record it was deemed advisable by the subdividers to allow alleys at the rear of the several lots comprising said subdivision; and

WHEREAS, conditions have recently developed indicating that the alleys will not be necessary and the said Hallie Bremond Houston and husband, H. M. Houston, have requested the City Council of the City of Austin to permanently vacate said alleys as shown upon the map or plat of said Mira Loma and said request has been reviewed and considered by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the two alleys as shown upon the map or plat of Mira Loma of record in Book 4, at page 16, of the Plat Records of Travis County, Texas, as referred to above, be and the same are hereby permanently closed and vacated; provided, however, that easement rights are hereby retained for the construction, maintenance and operation of all

public utilities in, upon, or across the aforementioned alleys.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew introduced the following resolution and moved its adoption. The motion was seconded by Councilman Alford and was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The resolution is as follows:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, a municipal corporation of the State of Texas:

THAT said corporation's City Manager be and he is hereby duly authorized and fully empowered to enter into and execute, for and in the name of said corporation, one certain written agreement, dated and effective February 25, 1939, between said corporation and Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, herein called Carrier, respecting among certain things a certain 12" water pipe line crossing under I-GN tracks at Engr. Sta. 9405 / 00 ICC, Mile Post 178 / 02, Austin, Travis County, Texas, true copy of said agreement being attached hereto as part hereof."

(AGREEMENT ATTACHED)

#### PIPE LINE AND CANAL CROSSING LICENSE

This instrument executed in duplicate on this 25th day of February, A. D. 1939, WITNESSETH:

The undersigned Carrier hereby grants, solely on the herein expressed terms and conditions, and the undersigned Licensee, City of Austin, a municipal corporation of the State of Texas, Austin, Texas, hereby accepts, permission to install, keep and use, free of charge, for conveying water (12" water pipe line) along or across the right of way or other grounds constituting a part of Carrier's railroad (hereinafter called premises) at or near Austin, Travis County, Texas, a certain pipe line (or canal and/or flume), the same to cross premises at Engr. Sta. 9405/00 ICC at Mile Post 178/02, and otherwise to be located as shown by yellow line and of said right of way if limited to any track, by white line, but, if wider, by red lines on the map or plat marked Exhibit "A" and hereto attached and made a part hereof.

1. Licensee shall furnish or do at Licensee's own cost and responsibility any and all things and when and as from time to time required to accomplish whatsoever the Licensee attempts or is bound to do at any time hereunder. Licensee shall adjust Pipe Line (or canal and/or flume) to any physical change as made at any time in any of Carrier's property; at all times keeping upper surface of any pipe line or canal and/or flume at least four feet below bottom of rail thereover. Licensee shall cause any Pipe Line, before being used for anything inflammable, to conform substantially to Exhibit "B" attached hereto as part hereof; obtaining Exhibit B, if missing, from Carrier. Said things, including the time and manner of doing any work, each shall conform to the requirements of Carrier as well as of any State, Federal or Municipal authority. Carrier may acting for Licensee furnish or do, and Licensee shall pay and bear the cost of, anything which, herein required of Licensee, at any time, either shall not be furnished or done within ten days following Carrier's written request therefor or shall be undertaken by Carrier at Licensee's request; and Licensee on request shall, in advance, deposit with Carrier the estimated cost thereof. If deposit be less than actual cost, Licensee shall pay difference; if more, Carrier shall repay difference. Licensee when returning this license (signed) shall pay to carrier ten dollars for preparing it. Any other payment shall be made within twenty days following receipt of bill. Licensee shall pay cost to Carrier for all labor, including wages of foremen, plus 10% to cover accounting and supervision, and Carrier's cost price of all materials f.o.b. Carrier's rails plus 10% to cover handling and accounting, plus freight at tariff to point of use. Carrier may connect with and discharge sewage into Pipe Line while serving as sewer.

2. Licensee agrees to indemnify and hold harmless the Carrier from all liability, damage and expense, including attorney's fees and costs, which the Carrier may incur or suffer, caused by the installation, maintenance, existence or use of Pipe Line (or canal and/or flume).

3. Term hereof shall begin with the 25th day of February, 1939, and continue thereafter indefinitely as long as Licensee shall perform and covenants hereof and shall reasonably need in its business the permission granted hereby and shall not abandon the said Pipe Line (or canal and/or flume). In the event Licensee shall fail to perform the covenants hereof, or shall not reasonably need in its business the permission granted hereby, or shall abandon the said Pipe Line (or canal and/or flume), the term hereof may be terminated by expiration of thirty days following serving by Carrier on Licensee of written notice of intention to end term hereof. Term hereof may

also be concluded by expiration of thirty days following serving by Licensee on Carrier of written notice of intention to end term hereof. Any notice of Carrier shall be deemed served when posted conspicuously on Pipe Line (or canal and/or flume) or when deposited, postage prepaid, in U. S. mail addressed as aforesaid, not later than last day of term hereof. Licensee shall remove Pipe Line (or canal and/or flume) and restore premises. Any of Pipe Line (or canal and/or flume) not so removed shall at Carrier's election without notice be deemed abandoned. Covenants herein shall inure to or bind each party's heirs, legal representatives, successors and assigns; provided, no right of Licensee shall be transferred or assigned either voluntarily or involuntarily except by express agreement acceptable to Carrier. Carrier or Licensee may waive any default at any time of the other without affecting or impairing any right arising from, any subsequent default.

The International-Great Northern Railroad Company, pursuant to Section 77 of the Bankruptcy Act, approved March 3, 1933, is now in process of reorganization and is being operated by the undersigned Trustee under jurisdiction of the United States District Court, Eastern Division, Eastern District of Missouri, and, upon the date that ownership or control of the railroad and property of said Railroad Company by said Trustee, or his successor, trustee or trustees, shall cease, this agreement shall ipso facto terminate, unless, pursuant to the decree of said court, said agreement shall be continued in effect by the party succeeding to such ownership or control.

GUY A. THOMPSON, TRUSTEE  
INTERNATIONAL-GREAT NORTHERN  
RAILROAD COMPANY, DEBTOR

ATTEST:

Senior Executive Ass't  
"Carrier"

Secretary for the Trustee

CITY OF AUSTIN

City Manager, "Licensee"

ATTEST:

City Secretary

Councilman Bartholomew moved that the Mayor be authorized to write letters to Senators Connally and Shepard and Congressman Johnson asking them to use their best efforts in securing an additional height of seventy-four feet, or more, to Marshall Ford Dam in order to insure the low areas of South Austin, Tenth Ward, and the City's Power Plant against overflow. The motion was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Mrs. M. E. Scrivner for the years 1931-1937, inclusive, on Lots 4, 5, 6, 8 and 9, Block B, South Heights, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$84.50, and for non-payment of said taxes at maturity penalty in the sum of \$4.22 has been assessed, and interest in the sum of \$20.25 has accrued, making the total amount of taxes, penalty and interest \$108.97; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$4.22; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$4.22 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$4.22 off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and interest, aggregating \$104.75; as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Fred R. Harris for the years 1934-1937, inclusive, on 84x117 feet of Lot 36, less triangle part of West

end, Outlots No. 7 and 8, Division "Z", Enfield B, Plat 90-B, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$298.42, and for non-payment of said taxes at maturity penalty in the sum of \$14.92 has been assessed, and interest in the sum of \$43.81, making the total amount of taxes, penalty and interest \$357.15; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$14.92; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$14.92 is hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$14.92 off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of Della Corwin for the years 1935, 1936 and 1937 on Lot 77, Block 7, Outlot 74, Division "D", Aldridge Place, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$135.91, and for non-payment of said taxes at maturity penalty in the sum of \$6.79 has been assessed, and interest in the sum of \$16.24, making the total amount of taxes, penalty and interest \$158.94; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$6.79, and one-half of the interest in the sum of \$8.12; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$6.79, and one-half of the interest in the sum of \$8.12, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$6.79, and one-half of the interest in the sum of \$8.12, off his rolls and to issue to the party entitled to receive same a receipt in full on the payment of said taxes and one-half the interest, as aforesaid.

The resolution was adopted by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced:

WHEREAS, City of Austin taxes were assessed in the name of W. O. Gustafson for the years 1934-1937, inclusive, on the West 75 feet of Lots 12, 13, 14, 15 and 16 in Block 16, Hyde Park No. 1, in the City of Austin, Travis County, Texas; said taxes being for the sum of \$242.28, and for non-payment of said taxes at maturity penalty in the sum of \$12.11 has been assessed, and interest in the sum of \$36.18, making the total amount of taxes, penalty and interest \$290.57; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$12.11, and one-half of the interest in the sum of \$18.09; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the aforesaid penalty in the sum of \$12.11, and one-half of the interest in the sum of \$18.09, are hereby remitted, and the Tax Assessor and Collector of the City of Austin is authorized and directed to charge said penalty in the sum of \$12.11 and